

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br><b>2003P06872WO</b>  | FOR FURTHER ACTION  | See Form PCT/IPEA/416                               |
| International application No.<br><b>PCT/EP2004/003179</b>   | International filing date (day/month/year)<br><b>25.03.2004</b> | Priority date (day/month/year)<br><b>25.06.2003</b> |
| International Patent Classification (IPC) or national classification and IPC  |   |   |
| Applicant<br><b>SIEMENS AKTIENGESELLSCHAFT</b>  |   |   |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s))<br/>, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> |   |   |

|   |                                   |
|---|-----------------------------------|
| Date of submission of the demand        | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer                |
| Facsimile No.                           | Telephone No.                     |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003179

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_ which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))  
 publication of the international application (Rule 12.4)  
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished  
 the description:

pages 3-8 as originally filed/furnished  
 pages\* 1, 2, 2a received by this Authority on 20.04.2005 with letter of 15.04.2005  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:

nos. \_\_\_\_\_ as originally filed/furnished  
 nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19 20.04.2005 with letter of 15.04.2005  
 nos.\* 1-4 received by this Authority on of 15.04.2005  
 nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:

sheets 1/3-3/3 as originally filed/furnished  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

|                               |
|-------------------------------|
| International application No. |
| PCT/EP2004/003179             |

|           |   |
|-----------|---|
| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|

## 1. Statement

|                               |        |     |     |
|-------------------------------|--------|-----|-----|
| Novelty (N)                   | Claims | 1-4 | YES |
|                               | Claims |     | NO  |
| Inventive step (IS)           | Claims |     | YES |
|                               | Claims | 1-4 | NO  |
| Industrial applicability (IA) | Claims | 1-4 | YES |
|                               | Claims |     | NO  |

## 2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

**D1:** US 6 369 693 B1 (GIBSON RODNEY W) 9 April 2002  
(2002-04-09).

**D2:** WO 9802860 A (ERICSSON TELEFON AB L M) 22  
January 1998 (1998-01-22).

2. The present application does not meet the requirements of **PCT Article 33(1)**, since the subject matter of claim 1 does not involve an **inventive step** within the meaning of **PCT Article 33(3)**.

Document **D1** is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to document D1):

a radio remote control **(12)** for sending instructions to a remote-controllable apparatus **(10)** in a wireless manner, wherein an allocation mode is able to run before the apparatus is started, and having a transceiver unit **(32, 26)**, a

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/EP2004/003179

Box No. V      **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

control (20) and at least one antenna (30) (**figure 1; column 2, line 65, to column 3, line 6**), wherein after the user has initiated the allocation mode the radio range of the remote control (12) is lowered to the extent that it is able to communicate only with an apparatus (10) situated directly next it and the range returns to the standard range only once the allocation is been completed (**column 3, lines 17-31**).

The subject matter of claim 1 therefore **differs** from the known radio remote control in that the initiation of the allocation mode and/or the successful completion thereof is indicated optically and/or acoustically.

The **problem** to be solved by the present invention is therefore understood to be that of informing the user about the status of the allocation mode.

Document **D1** already discloses (**column 3, lines 42-47**) that the radio remote control is able to receive acknowledgement signals. It is obvious that the remote-controllable apparatus would transmit the acknowledgement signals only if it has successfully received the security data.

To a person skilled in the art it is no more than a routine design measure that in reply to the reception of the acknowledgement signals the radio remote control would use optical or acoustic signals to inform the user of the successful

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/003179

Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

transmission of the security data. Consequently, the subject matter of **claim 1** is not inventive (**PCT Article 33(1)** and **(3)**).

3. Dependent claims 2-4 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and **inventive step** (see documents **D1** and **D2** and the corresponding passages cited in the search report).